
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ANTHONY J. ANDERSON,

Plaintiff,

vs.

**MICHAEL B. MUKASEY, Attorney
General et al.,**

Defendants.

ORDER

Case No. 2:06CV686 DAK

On April 30, 2008, Defendant filed a Motion for Summary Judgment in this matter. On June 18, 2008, the court issued an Order, stating that the court was taking under advisement the Summary Judgment Motion. The court also noted that the time had expired for Plaintiff to oppose the motion, but that if Plaintiff had intended to oppose the motion, he could file a response by no later than June 27, 2008.¹ On June 20, 2008, Plaintiff, though his counsel, filed a response, indicating that he had concluded that “it is in his best interests to not file a memorandum in opposition” and that he understood that his failure to respond “will likely result in the Court’s granting of Defendant’s motion and then dismissing the case with prejudice.”²

Having carefully considered Defendant’s motion, the court concludes that Defendant has met his burden, entitling him to summary judgment. The court finds that, for the reasons stated

¹ See docket # 50.

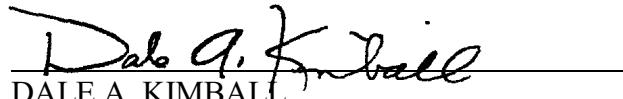
² See docket # 51

by Defendant, Plaintiff's Complaint is time-barred because he failed to contact an EEO Counselor within 45 days of the alleged discriminatory conduct and that his discrimination claims fail as a matter of law.

Accordingly, Defendant's Motion for Summary Judgment is GRANTED, and Plaintiff's action is DISMISSED with prejudice. Each side is to bear his own costs and attorney's fees.

DATED this 30th day of June, 2008.

BY THE COURT:


DALE A. KIMBALL
United States District Judge